IN THE HIGH COURT OF BOMBAY AT GOA

CIVIL APPLICATION NO. 256 OF 2005

IN

FIRST APPEAL NO. 254 OF 2003

STATE OF GOA THROUGH L.A.O.,QUEPEM-GOA AND ANR., ...Applicants

Versus

DEV.CHANDRESHWAR BHUTNATH DEVASTHAN,QUEPEM-GOA. ....Respondent

Mr. S. S. Kantak, Advocate General with Ms. Leena Dharwadkar, Aditional Government Adovcate for the applicants.

Mr. M. S. Usgaonkar, Senior Advocate with Mr. Sudin Usgaonkar, Advocate for the respondent.

Coram:- R. M. LODHA, J.

Date:- 21st October, 2005

P.C.

Heard Mr. S. S. Kantak, the learned Advocate General for the applicants.

The first appeal is directed against the Judgment and Award dated 24.07.2002 passed by the Additional District Judge, South Goa, Margao which has been admitted.

In the Miscellaneous Civil Application No. 351/03, this Court by order dated 25.9.2003 granted the stay of the impugned Judgment and Award dated 24.07.2002 subject to deposit of the amount within 12 weeks. Admittedly, the amount was not deposited within the time granted in the said order. The reason for non-deposit is said to be lack of

communication by the concerned Government Advocate and the change in the Government Advocate thereafter.

Taking overall facts and circumstances of the case, I am satisfied that the following order shall meet the ends of justice :

(i) The appellants-applicants shall deposit with the Registrar of this Court the amount under the Award dated 24.7.2002 as on 30.09.2005 within six weeks from today.

(ii) Upon deposit of the said amount, the claimant shall be at liberty to withdraw the same on furnishing solvent surety to the satisfaction of the Registrar.

(iii) In case no solvent surety is furnished by the claimant within four weeks of deposit of the amount by the appellants-applicants and intimation thereof, the Registrar shall invest the said amount in the fixed deposit in any Nationalised Bank initially for a period of two years, renewable thereafter for the same priod each time until disposal of the first appeal.

The civil application stands disposed of accordingly.

R. M. LODHA, J.

ssm.